

**STATE OF COLORADO**

**Department of State**

1700 Broadway  
Suite 250  
Denver, CO 80290

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**Mike Coffman**

Secretary of State

**William A. Hobbs**

Deputy Secretary of State

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March 13, 2008

VIA E-MAIL AND US MAIL

Mr. Steve M. Pearson  
Vice President, Certification  
Election Systems & Software  
11208 John Galt Blvd.  
Omaha, NE 68137

Re: Colorado Voting System

Dear Mr. Pearson:

The Elections System & Software (ES&S) voting system was submitted to the Colorado Secretary of State for testing and consideration for certification for use in Colorado elections. On December 17, 2007, I notified you of the decertification of all components of the ES&S voting system submitted for certification.

On February 11, 2008, Governor Bill Ritter signed House Bill 08-1155 into law. This legislation extends my authority over the 2007 testing process and allows for additional testing and communication with the vendors and the counties. The legislation authorizes me to amend or rescind any of the orders I issued on December 17, 2007 decertifying a voting system if I re-test the system or otherwise demonstrate that the major deficiencies identified in my December 17 order have been resolved or mitigated. In deciding to amend or rescind an order, the legislation requires me to consider county accuracy and security procedures, audits, processing functions, and other relevant procedures in accordance with the laws and rules governing the conduct of elections.

On February 25, 2008, pursuant to H.B. 08-1155 and after additional testing, I notified you of the rescission of my previous order and the conditional certification of the DRE, iVotronic ADA w/ 3-button (9.1.6.2) and iVotronic non-ADA (9.1.6.2). Then on March 4, 2008, I conditionally certified the Unity Software, Version Number 3.0.1.1; M100 Precinct Optical Scanner, Version Number 5.2.1.0; M650 Central Count Optical Scanner, Version Number 2.1.0.0, Green Light.

Upon listening to public testimony on March 7, 2008, regarding the Conditions for Use (Conditions) imposed on voting systems certified for use in the State of Colorado; I am proposing changes to the previously issued Conditions. The following information details the changes or removal of Conditions:

### **Software Conditions (Unity 3.0.1.1)**

#### Condition 1b – System/database/network security hardening

An option was added allowing the county to conduct a forensic evaluation of the workstation/server in addition to creating a back-up copy of the election database.

#### Condition 1c - System/database/network security hardening

Option #1 – The timeframe for conducting the requirements has been changed from election night to the period during the post-election audit.

Option #2 – The timeframe for conducting the requirements has been changed from election night to the period of time between the close of polls through the canvass period.

#### Condition 2 – Ballot-On-Demand Restriction

Counties may use the software so long as a log indicating the number of ballots printed, used and not used by the in-house printing function is maintained.

#### Condition 3 – Audit Trail Information

The Condition provides clarity on a variety of methods available for gathering audit information.

#### Condition 6 – Election Database Creation and Testing

The Condition has been changed from ordering a complete set of at least 5 ballots of each style to 4 ballots of each style.

Additionally, there is no longer a requirement that logs/audits be in a written format.

### **Precinct Count Scanner Conditions (M100)**

#### Condition 2 – External Power Supply

The requirement for a UPS back-up or battery back-up has been replaced by the ability to use any external power supply as a back-up in the event of a power failure.

#### Condition 3 – Device Security Accessibility

The Condition has been amended to allow for an additional person to have administrative rights on the device.

#### Condition 4 – Ballot/Race Conditions Simulation

The Condition has been changed from ordering a complete set of at least 5 ballots of each style to 4 ballots of each style.

#### **Central Count Scanner Conditions (M650)**

#### Condition 2 – External Power Supply

The requirement for a UPS back-up or battery back-up has been replaced by the ability to use any external power supply as a back-up in the event of a power failure.

#### Condition 3 – Audit Trail Information

The audits requirements were amended pursuant to the recommendations of the American National Standards Institute (ANSI). The requirement is based on the number of ballots cast in a county and limits the audit to the device and race chosen by the Secretary of State's office as part of the post-election audit procedure.

#### Condition 4 – Ballot/Race Conditions Simulation

The Condition has been changed from ordering a complete set of at least 5 ballots of each style to 4 ballots of each style.

#### Condition 5 – Device Security Accessibility

The Condition has been amended to allow for an additional person to have administrative rights on the device.

#### **DRE Conditions (iVotronic)**

#### Condition 1 – External Power Supply

The Condition has been removed. The device performed for 2 hours and 52 minutes which is substantially compliant with the 3 hour requirement set forth in Secretary of State Election Rules rule 45.

#### Condition 3 – Ballot/Race Conditions Simulation

The Condition has been changed from ordering a complete set of at least 5 ballots of each style to 4 ballots of each style.

The Condition is now represented as Condition 2 in the Draft Conditions for Use.

## Condition 8 – Device Security Accessibility

An additional option for a lockable cover was added to the options of acceptable security measures for the PEB well.

The Condition is now represented as Condition 7 in the Draft Conditions for Use.

The proposed Conditions are being submitted as a draft to all counties using the ES&S voting system for public comment. For the Conditions associated with the components or software listed above, please review the “ES&S Draft Conditions for Use”, which is posted on the Secretary of State’s web site. The Conditions are not yet finalized and additional comments on proposed changes will be considered prior to the Conditions being finalized. Please submit written comments by 5 p.m. on March 18, 2008 to Stephanie Cegielski at [stephanie.cegielski@sos.state.co.us](mailto:stephanie.cegielski@sos.state.co.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Coffman", written over a horizontal line.

Mike Coffman  
Secretary of State

cc: County Clerk and Recorders of counties using ES&S voting systems:  
Pamela Anderson, Jefferson County Clerk and Recorder  
Janice Rich, Mesa County Clerk and Recorder